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10/528,738	03/22/2005	Yukihiro Hanaoka	24530-008/MXM	6966

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NEW YORK, NY 10036

EXAMINER

LOWE, MICHAEL S

ART UNIT	PAPER NUMBER
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3652

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12/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/528,738

**Applicant(s)**

HANAOKA, YUKIHIRO

**Examiner**

M. Scott Lowe

**Art Unit**

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/2/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2,5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the frame member" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the frame member" in line 22. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Motoda (US 4,588,341) in view of Araake (GB 2337325A).

Re claim 1, Motoda teaches a stocker apparatus (generally 1) comprising:  
a first tray stock section (generally 11 or 16) capable of stocking a plurality of empty trays 20;  
a second tray stock section (generally 11 or 16) capable of stocking a plurality of loaded

Art Unit: 3652

trays 20, the loaded trays being the empty trays loaded with products (not numbered); tray supporting means (generally 12,14,31,34,etc.) provided in said first tray stock section and said second tray stock section respectively for supporting the trays 20; lifting and lowering means for lifting and lowering said tray supporting means; and carrier means (generally 32) for carrying the loaded tray to said second tray stock section when the products are loaded on the empty tray existing in said first tray stock section, said apparatus further comprising an outer wall constituting member (not numbered) covering at least side surfaces and upper surfaces of said first trays stock section and said second tray stock section to separate said first tray stock section and said second tray stock section from an external atmosphere; an opening (generally 16 or 11) provided at an upper portion of said first tray stock section, said opening allowing the products to be carried in therethrough. Motoda is silent regarding an ionizer or air cleaning means. Araake teaches an ionizer (generally 5) provided near an opening, said ionizer jetting ionized air to the products carried in through said opening, and an air cleaning means (generally 10,6,etc.) provided at an upper portion (relative term) of said second tray stock section, said air cleaning means cleaning outside air and then introducing the air into said second tray stock section in order to keep the inside of the device cleaner and free of dust. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Motoda by the general teaching of Araake to have an ionizer provided near the opening, said ionizer jetting ionized air to the products carried in through said opening, and an air cleaning means provided at an upper portion of said second tray stock

section, said air cleaning means cleaning outside air and then introducing the air into said second tray stock section in order to keep the contents of the stocker cleaner and free of dust.

Claims 2,5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoda (US 4,588,341) in view of Araake (GB 2337325A), and further in view of Schell (US 3,951,228).

Re claim 2, Motoda teaches said outer wall constituting member includes a frame (not numbered), a panel member (not numbered) and a pad (not numbered) but is silent regarding an elastically deformable sealing member. Schell teaches an enclosed, framed and paneled device with an elastically deformable sealing member (seal, grommet, generally 100,102,103,104,etc.) abutting on the frame in a longitudinal direction thereof, a panel member (various) abutting on the sealing member, and a pad member (various) abutting on the panel member in a manner to cover an outer edge thereof and fixedly attached to the frame member to thereby elastically hold the panel member with the sealing member therebetween in order to reduce noise, vibrations, leaks and keep proper compression of various elements. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Motoda by the general teaching of Schell to have an enclosed, framed and paneled device with an elastically deformable sealing member abutting on the frame in a longitudinal direction thereof, a panel member abutting on the sealing member, and a pad member abutting on the panel member in a manner to cover an outer edge thereof

Art Unit: 3652

and fixedly attached to the frame member to thereby elastically hold the panel member with the sealing member therebetween in order to reduce noise, vibrations, leaks and keep proper compression of various elements.

Re claim 5, Motoda teaches a stocker apparatus (generally 1) comprising:  
a first tray stock section (generally 11 or 16) capable of stocking a plurality of empty trays 20;  
a second tray stock section (generally 11 or 16) capable of stocking a plurality of loaded trays 20, the loaded trays being the empty trays loaded with products (not numbered);  
tray supporting means (generally 12,14,31,34,etc.) provided in said first tray stock section and said second tray stock section respectively for supporting the trays 20;  
lifting and lowering means for lifting and lowering said tray supporting means;  
and carrier means (generally 32) for carrying the loaded tray to said second tray stock section when the products are loaded on the empty tray existing in said first tray stock section, said apparatus further comprising an outer wall constituting member (not numbered) covering at least side surfaces and upper surfaces of said first trays stock section and said second tray stock section to separate said first tray stock section and said second tray stock section from an external atmosphere;  
an opening (generally 16 or 11) provided at an upper portion of said first tray stock section, said opening allowing the products to be carried in therethrough. Motoda is silent regarding an ionizer or air cleaning means. Araake teaches an ionizer (generally 5) provided near an opening, said ionizer jetting ionized air to the products carried in through said opening, and an air cleaning means (generally 10,6,etc.) provided at an

Art Unit: 3652

upper portion (relative term) of said second tray stock section, said air cleaning means cleaning outside air and then introducing the air into said second tray stock section in order to keep the inside of the device cleaner and free of dust. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Motoda by the general teaching of Araake to have an ionizer provided near the opening, said ionizer jetting ionized air to the products carried in through said opening, and an air cleaning means provided at an upper portion of said second tray stock section, said air cleaning means cleaning outside air and then introducing the air into said second tray stock section in order to keep the contents of the stocker cleaner and free of dust.

Motoda teaches said outer wall constituting member includes a frame (not numbered), a panel member (not numbered) and a pad (not numbered) but is silent regarding an elastically deformable sealing member. Schell teaches an enclosed, framed and paneled device with an elastically deformable sealing member (seal, grommet, generally 100,102,103,104,etc.) abutting on the frame in a longitudinal direction thereof, a panel member (various) abutting on the sealing member, and a pad member (various) abutting on the panel member in a manner to cover an outer edge thereof and fixedly attached to the frame member to thereby elastically hold the panel member with the sealing member therebetween in order to reduce noise, vibrations, leaks and keep proper compression of various elements. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Motoda by the general teaching of Schell to have an enclosed, framed and paneled device with an

Art Unit: 3652

elastically deformable sealing member abutting on the frame in a longitudinal direction thereof, a panel member abutting on the sealing member, and a pad member abutting on the panel member in a manner to cover an outer edge thereof and fixedly attached to the frame member to thereby elastically hold the panel member with the sealing member therebetween in order to reduce noise, vibrations, leaks and keep proper compression of various elements.

Claims 3,4,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoda (US 4,588,341) in view of Araake (GB 2337325A), and further in view of Selusnik (US 3,974,922).

Re claim 3, Motoda teaches said lifting and lowering means may be any type of lift means (column 5, line 41). Selusnik teaches a tray lifting device (generally figure 3) with each of lifting and lowering means having four annular belts (generally 26) for supporting each of tray supporting means (generally 6,30) at four points, the annular belt being formed by superposing one end on another end of a straight belt having both the ends and fixedly holding the ends by a both end fixing member (general property of chain belts and the inherent connections between links, shown in figures), and the both end fixing member being located outside a winding round (various generally 22,24 area) of the annular belt in order to support heavier weights/trays and move at a faster speed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Motoda by the teaching of Selusnik to have each of lifting and lowering means having four annular belts for supporting each of tray supporting



Art Unit: 3652

means at four points, the annular belt being formed by superposing one end on another end of a straight belt having both the ends and fixedly holding the ends by a both end fixing member, and the both end fixing member being located outside a winding round of the annular belt in order to support heavier weights/trays and move at a faster speed.

Re claim 4, Motoda as already modified by Selusnik teaches the straight belt being a straight toothed belt, and one end side or another end side of the straight toothed belt bent 180 degrees and then the one end side and the other end side are superposed and fixedly held by the both end fixing member.

Re claim 6, Motoda teaches a stocker apparatus (generally 1) comprising:  
a first tray stock section (generally 11 or 16) capable of stocking a plurality of empty trays 20;  
a second tray stock section (generally 11 or 16) capable of stocking a plurality of loaded trays 20, the loaded trays being the empty trays loaded with products (not numbered);  
tray supporting means (generally 12,14,31,34,etc.) provided in said first tray stock section and said second tray stock section respectively for supporting the trays 20;  
lifting and lowering means for lifting and lowering said tray supporting means;  
and carrier means (generally 32) for carrying the loaded tray to said second tray stock section when the products are loaded on the empty tray existing in said first tray stock section, said apparatus further comprising an outer wall constituting member (not numbered) covering at least side surfaces and upper surfaces of said first trays stock section and said second tray stock section to separate said first tray stock section and said second tray stock section from an external atmosphere;

Art Unit: 3652

an opening (generally 16 or 11) provided at an upper portion of said first tray stock section, said opening allowing the products to be carried in therethrough. Motoda is silent regarding an ionizer or air cleaning means. Araake teaches an ionizer (generally 5) provided near an opening, said ionizer jetting ionized air to the products carried in through said opening, and an air cleaning means (generally 10,6,etc.) provided at an upper portion (relative term) of said second tray stock section, said air cleaning means cleaning outside air and then introducing the air into said second tray stock section in order to keep the inside of the device cleaner and free of dust. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Motoda by the general teaching of Araake to have an ionizer provided near the opening, said ionizer jetting ionized air to the products carried in through said opening, and an air cleaning means provided at an upper portion of said second tray stock section, said air cleaning means cleaning outside air and then introducing the air into said second tray stock section in order to keep the contents of the stocker cleaner and free of dust.

Motoda teaches said lifting and lowering means may be any type of lift means (column 5, line 41). Selusnik teaches a tray lifting device (generally figure 3) with each of lifting and lowering means having four annular belts (generally 26) for supporting each of tray supporting means (generally 6,30) at four points, the annular belt being formed by superposing one end on another end of a straight belt having both the ends and fixedly holding the ends by a both end fixing member (general property of chain belts and the inherent connections between links, shown in figures), and the both end fixing member

Art Unit: 3652

being located outside a winding round (various generally 22,24 area) of the annular belt in order to support heavier weights/trays and move at a faster speed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Motoda by the teaching of Selusnik to have each of lifting and lowering means having four annular belts for supporting each of tray supporting means at four points, the annular belt being formed by superposing one end on another end of a straight belt having both the ends and fixedly holding the ends by a both end fixing member, and the both end fixing member being located outside a winding round of the annular belt in order to support heavier weights/trays and move at a faster speed.

Motoda as already modified by Selusnik teaches the straight belt being a straight toothed belt, and one end side or another end side of the straight toothed belt bent 180 degrees and then the one end side and the other end side are superposed and fixedly held by the both end fixing member.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571)272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Michael Lowe 11/30/07*

Michael Lowe  
Patent Examiner AU 3652